

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION

MDL No. 2419 Master Dkt. 1:13-md-02419-RWZ

THIS DOCUMENT RELATES TO:

All Actions

**LEAD COUNSEL’S EMERGENCY MOTION FOR
THE AUGUST 16, 2016 HEARING TO BE CONDUCTED TELEPHONICALLY**

The Court has scheduled a hearing to address the Plaintiffs’ Steering Committee’s (“PSC”) potential resolution of liens with government agencies for August 16, 2016, at 2:00 p.m. EDT. Lead Counsel hereby moves for that hearing to be conducted telephonically (rather than in person).¹

In Lead Counsel’s view, conducting the hearing on the 16th by telephone is the most efficient path forward. First, the interested parties are scattered across the country, including in Washington, D.C., Tennessee, Virginia, Michigan, Indiana.² Travel costs incurred by those attorneys may functionally come out of their clients’ pockets. And permitting counsel to choose whether to attend in person or by phone may inadvertently suggest that appearance in person is preferable or advantageous. Second, the PSC is aware that some interested parties have vacations or other travel planned for that week, including Lead Counsel for Plaintiffs. Third, during the last MDL status conference, the Court suggested that participation by phone would be appropriate, at least as to DOJ (and/or CMS and HHS).

¹ As the hearing is only a week away, we have styled this as an “emergency” motion.

² See Virginia Claimants’ Motion to Compel (ECF No. 3019); Tennessee Claimants’ Motion to Compel (ECF No. 3020); Indiana/Michigan Claimants’ Motion to Compel (ECF No. 3025). The PSC understands that the attorneys who filed motions relevant to this topic wish to be heard during the August 16, 2016 hearing.

The PSC therefore respectfully requests that the hearing be conducted (only) by telephone.

If the Court would prefer in person attendance, the PSC and Lead Counsel will, of course, appear in person.

Dated: August 9, 2016

Respectfully submitted,

/s/ Thomas M. Sobol

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CERTIFICATE OF SERVICE

I, Thomas M. Sobol, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: August 9, 2016

/s/ Thomas M. Sobol
Thomas M. Sobol